

## REMARKS/ARGUMENTS

There appears to be a misunderstanding of the applicant's position.

The Examiner has stated that, Applicant's arguments are mainly directed to function aspects of the invention. The claims are, however, directed to a structure not to a function. The functional language is considered only in terms of a necessary resultant structure from the function. The function itself is not at issue. The device claims are not limited to the recited function. A limitation in a claim with respect to the manner in which a claimed device is intended to be used does not differentiate the claimed device from a prior-art device if the prior-art device shows all structural limitations of the claims. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Par. 29 of the Office Action.

It is respectfully submitted that the previous response provides an explanation of the "inherent" characteristics of a resurf region as opposed to any other conductive region. Thus, the claim is limited to the inherent characteristics of the region. The arguments did not relate to how the region is operated or used.

It is respectfully submitted that the explanations set forth in the previous response should be reconsidered in that they relate to "the resultant structure from the function". Specifically, the claim relates to the inherent structure and the characteristics of a resurf region.

Note that even if resurf region is considered functional, the structure implied by resurf region must be considered.

A functional limitation must be evaluated and considered just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step." MPEP §2173.05(g)

Reconsideration is requested.

In Par. 31 of the Office Action it has been stated:

Kim is a reference teaching that the description of Fujishima does not make it unlikely for region 20 to be a resurf region, as argued by the applicant, but that on the contrary region

20 would actually likely serve as a resurf region. Kim should not be construed as a reference changing the grounds of rejection of the present Office Action.

These comments are not understood because it has not been explained how Kim would make it likely that region 20 in Fujishima is a resurf region. A more detailed explanation is requested for the record.

The arguments submitted previously are incorporated by reference, and reconsideration of the same is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 15, 2008

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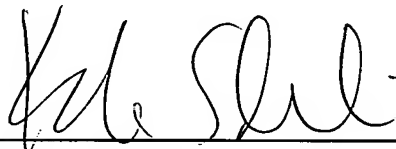


Signature

January 15, 2008

Date of Signature

Respectfully submitted,



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